

6364. Adulteration of shell eggs. U. S. * * * v. 15 Cases of Shell Eggs. Default decree of condemnation. Unfit portion of the product ordered destroyed. Balance ordered released. (F. & D. No. 8339. I. S. No. 1202-p. S. No. E 859.)

On July 6, 1917, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of shell eggs at Newark, N. J., alleging that the article had been shipped on or about June 25, 1917, by M. J. McConnell & Son, Gate City, Va., and transported from the State of Virginia into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained an excessive amount of eggs decomposed in whole or in part.

After the return of the monition in the case, the eggs were candled under the supervision of a representative of this department, and $3\frac{1}{2}$ cases of the eggs found unfit for food were destroyed, and the remainder were released to be used for food purposes.

On July 17, 1918, no claimant having appeared for the property, a decree of condemnation nunc pro tunc was entered, and it was ordered by the court that all things theretofore done in respect to the property should be adjudged and decreed to have been done as required by the statute in such case made and provided.

C. F. MARVIN, *Acting Secretary of Agriculture.*